UNITED STATES

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

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CONSTITUTION AND BY-LAWS

OF THE

KING ISLAND NATIVE COMMUNITY

ALASKA

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RATIFIED JANUARY 31, 1939

UNITED STATES

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CONSTITUTION AND BY-LAWS OF THE KING ISLAND NATIVE COMMUNITY

PREAMBLE

We, a group of Eskimos having a common bond of residence on King Island, Territory of Alaska, in order to promote our welfare through the development and operation of social and economic enterprises, do establish this Constitution and By-laws in accordance with, and by authority of, the Act of Congress of June 18, 1934 (48 Stat. 984), as amended by the Acts of June 15, 1935 (49 Stat. 378), and May 1, 1936 (49 Stat. 1250).

ARTICLE I

SECTION 1. The name of this organization shall be the King Island Native Community, hereinafter called the Community.

ARTICLE II—MEMBERSHIP

SECTION 1. *Original Members.*—All persons whose names appear on the census roll, prepared in accordance with the Instructions of the Secretary of the Interior for Organization in Alaska, being all the Eskimos residing on King Island, shall be members of this Community.

SEC. 2. *Loss of Membership.*—(*a*) Any member may give up his membership at any time upon written notice to the Secretary of the Council, in which case he shall no longer share in the activities and benefits of this Community, but he may be reinstated as a member upon filing a written application with the Secretary of the Council and upon approval being given by a majority vote of the adult members of the Community present at any regular meeting.

(*b*) Any member who, after notice and an opportunity to present his defense, is found guilty by the Community of fraud or misconduct in his relations with the Community or of working deliberately against the interests of the Community, may be expelled by a two-thirds vote of the adult members present at any regular or special meeting. A person expelled may be reinstated as a member upon filing a written application with the Secretary of the Council and upon approval being given by a two-thirds vote of the adult membership present at any regular meeting.

SEC. 3. *New Members.*—(*a*) All children of any member, who are residents of King Island, shall be members of this Community.

(*b*) Any Eskimo who becomes a resident of King Island may become a member of this Community after maintaining a permanent residence and being adopted by the Council.

SEC. 4. *Definition of Residence.*—Any person shall be considered a resident of King Island who maintains a home on King Island or

within any area in the vicinity of King Island which may be reserved or otherwise acquired for the use of this Community. Temporary absences shall not constitute loss of residence.

SEC. 5. *Rule-making Power.*—The Community may make rules and regulations to carry out this article.

ARTICLE III—THE COUNCIL

SECTION 1. *Composition and Functions.*—(*a*) There shall be a Council composed of the Chief and six other members elected by the adult members of the Community.

(*b*) The Council shall represent the Community in all its undertakings and shall exercise the powers of the Community enumerated in this Constitution. It shall be the duty of the Council to report its activities and the state of affairs of the Community at each regular meeting of the Community, at which time the members may outline the policies to be followed by the Council.

SEC. 2. *Election.*—(*a*) At the regular meeting of the Community on the last Monday in December the adult members of the Community shall make nominations and determine the candidates for election. Election shall be by standing vote of the adult members of the Community.

(*b*) The Council shall organize itself within 30 days after each annual election date by electing from within its membership a Vice-Chief, and from within or without, a Secretary, a Treasurer, and such other officers as it may deem necessary. Officers elected from without the Council shall not vote therein.

(*c*) Rules and regulations governing the conduct of elections may be adopted by the Community at any regular or special meeting.

SEC. 3. *Tenure of Office.*—(*a*) The term of office of each elected officer shall expire when his successor is elected and qualified.

(*b*) The Chief of the Council shall serve for a term of two years.

(*c*) Each of the other members of the Council shall be elected to serve for a term of two years.

(*d*) The first election of the Community Council shall be called and held under the direction of the Principal Teacher at King Island within 90 days after the ratification of this Constitution. The members of the Council so elected, other than the Chief, shall divide themselves into two equal groups "A" and "B" by drawing lots, whereupon the term of office of those in group "A," and of the first Chief, shall terminate on the regular election date of the next December following, and the term of office of those in group "B" shall terminate on the regular election date of the second December following. Thereafter, each member of the Council, and the Chief, shall serve two years.

ARTICLE IV—POWERS OF THE COUNCIL

SEC. 1. The Council shall have power: (*a*) To negotiate with the Federal and Territorial Governments on behalf of the Community and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Community.

(*b*) To manage and control all economic affairs and enterprises of the Community in accordance with a charter which may be issued under the Act of June 18, 1934.

(*c*) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(*d*) To levy dues, fees, and assessments, for Community purposes, on members of the Community and to provide for their collection and enforcement through the deprivation of membership privileges. No such dues, fees, or assessments shall be laid except by resolution of the Community membership adopted at any regular or special membership meeting.

(*e*) To organize or to charter associations of Community members for economic purposes and to regulate the same.

(*f*) To prevent the sale, disposition, lease, or encumbrance of any land, interest in land or waters, or other assets of the Community without its consent.

(*g*) To make assignments of land or water areas of the Community for use and occupancy to members of the Community in accordance with the customs of the Eskimos forming this Community or with the regulations of the Community.

(*h*) To protect the natural resources of the Community.

(*i*) To preserve and cultivate the arts, crafts and culture of the Eskimos of this Community and their customs not in conflict with Territorial law.

(*j*) To provide for the guardianship of the persons and property of minors and mental incompetents, consistent with Territorial and Federal law.

(*k*) To provide for filling vacancies in office consistent with this Constitution.

(*l*) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Community prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(*m*) To aid needy members and protect the general welfare and security of the Community.

Article V—Bill of Rights

Sec. 1. The Council shall not restrict or in any way abridge the rights of the members of the Community guaranteed under the Constitution of the United States but it shall be its duty to see that the full constitutional rights thereof are maintained and preserved.

Sec. 2. All members of the Community in good standing shall be accorded equal right and opportunity to participate in and enjoy the resources, property, and benefits of this Organization.

Sec. 3. All members of the Community over the age of 21 years shall have the right to vote.

Article VI—Change of Officers

Sec. 1. *Forfeiture of Office, Removal and Recall.*—(*a*) Any member of the Council or other officer of the Community who is convicted of a felony or any other offense involving dishonesty shall forfeit his office.

(*b*) Any member of the Council who is absent from three regular meetings of the Council without cause or excuse, may have his seat declared vacant by the Council after notice and an opportunity to be heard.

(*e*) Upon a petition signed by one-third of the adult members of the Community asking for the recall of any member of the Council, the Council shall call a special meeting of the Community to vote upon his recall. If the Council member is recalled, the Community members shall proceed to elect his successor to fill the unexpired term.

SEC. 2. *Filling Vacancies.*—If the office of a Council member is vacant for any reason other than his recall, the Council may appoint a successor to serve until the next regular meeting of the Community, at which time a member shall be elected to fill the unexpired term.

ARTICLE VII—FEDERATION

The Council may for the purpose of forming a federation or union with other organizations of like character appoint a committee to meet with such other organizations and submit its findings to the said Council for appropriate action.

ARTICLE VIII—AMENDMENTS

Amendments to this Constitution and By-laws may be proposed by resolution of the Council or of the Community which amendments, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members of the Community voting at an election called for the purpose by the Secretary of the Interior, provided that at least 30 per cent of those entitled to vote shall vote in such election.

BY-LAWS OF THE KING ISLAND NATIVE COMMUNITY

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. The Chief of the Council shall preside over all meetings of the Community and of the Council, exercising the usual duties of chairman and any others delegated to him. He may vote in Council meetings only in case of a tie or where the vote is by ballot.

SEC. 2. The Vice-Chief shall act as Chief in the absence or disability of the Chief.

SEC. 3. The Secretary of the Council shall conduct all correspondence and keep a complete and accurate record of all business transacted at Council or Community meetings. It shall be his duty to give promptly to the Principal Teacher at King Island for inspection and forwarding to the Juneau Office of the Office of Indian Affairs two copies of all minutes of all regular and special meetings of the Council or Community.

The Secretary shall record all rules, regulations, and resolutions in appropriate books, indexing the same and assigning a short title, and may publish the same for the information of the Community.

The Secretary shall notify each person of his election to an office of the Community within five days thereof.

SEC. 4. The Treasurer of the Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether Community funds or other funds for which the Council is responsible. He shall deposit all such funds in such banks or elsewhere as directed by the Council and, when a Federal Charter is adopted, in accordance with such charter. He shall make and pre-

serve a faithful record of such funds and shall report to the Council all receipts and expenditures and the amount and nature of all funds in his possession or custody. He shall not pay out or authorize disbursement of any funds for which he is responsible except upon written authorization of the Council.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Council and acceptable to the Juneau Office of the Office of Indian Affairs, and at such other times as the Council shall direct. He shall give two copies of the auditor's report and, once each month, two copies of his trial balance to the Principal Teacher at King Island for inspection and forwarding to the Juneau Office.

The Treasurer shall be required at the request of the Council or the Commissioner of Indian Affairs to give bond satisfactory to the Council and the Commissioner. The Treasurer shall be present at all special or regular meetings of the Council. The Treasurer may with the advice and consent of the Council appoint assistants.

SEC. 5. The duties of all appointive officers or agents shall be clearly defined by a resolution of the Council at the time of their appointment.

SEC. 6. All accounts, records, books and minutes of the Community shall be subject to examination by members of the Community and by the Commissioner of Indian Affairs or his authorized representative.

ARTICLE II—QUALIFICATIONS OF OFFICERS

SECTION 1. No person may be a candidate for any elective office unless he has the qualifications of a voter.

ARTICLE III—INSTALLATION OF OFFICERS

Each person appointed or elected to an office shall subscribe to the following oath of office before entering upon the duties thereof:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office as _____ to the best of my ability; that I will promote and protect the best interests of the Community, in accordance with this Constitution and By-laws."

ARTICLE IV—TIME AND PLACE OF COUNCIL MEETINGS AND ORDER OF BUSINESS

SECTION 1. The Council shall meet on the first Monday of April, June, July and October at 7:30 p. m., unless otherwise ordered by resolution, and may meet at such other times as may be voted by the Council. The Chief or three of the Council members may call a special meeting on two days' actual notice to the Council members.

SEC. 2. Unless otherwise ordered by resolution of the Council, meetings shall be held at the principal place of business of the Community.

SEC. 3. A number equal to one-half of the membership of the Council exclusive of the Chief shall constitute a quorum.

SEC. 4. The following shall be the order of business unless changed by or with the consent of the Council, namely,

Call to order by the Chief;

Roll call;
Announcement of quorum;
Reading the minutes of the last meeting;
Correction or approval of the minutes of last meeting;
Treasurer's report;
Report of Committees;
Unfinished business;
New business;
Adjournment.

SEC. 5. The Council may adopt regulations governing its procedure, and in the absence thereof, Robert's Rules of Order shall govern.

SEC. 6. Every resolution, after the explanatory clauses, shall begin with the words: "Be it resolved by the Council of the King Island Native Community."

ARTICLE V—MEETINGS OF THE COMMUNITY

SEC. 1. Regular meetings of the Community shall be held twice a year on the last Monday in December and the last Monday in April.

Special meetings may be called at any time by the Council and must be so called upon petition of one-third of the adult members of the Community. For such meetings three days' posted or written notice must be given.

SEC. 2. One-third of the adult membership shall constitute a quorum at any meeting.

SEC. 3. Meetings shall be held at the principal place of business unless otherwise ordered by resolution of the Community or otherwise specified in the notice of a special meeting.

ARTICLE VI—DEFINITIONS

SECTION 1. Whenever the term "Principal Teacher at King Island" is used it shall be understood to mean the Principal Teacher for the Department of the Interior, Office of Indian Affairs, or any successor official representing the Office of Indian Affairs in King Island.

SEC. 2. Where the masculine pronoun is used in this Constitution and By-laws and other general documents of the Community, it shall be understood to include the feminine.

SEC. 3. The word "adult" means a person who is 21 years of age or over.

ARTICLE VII—RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws shall be effective from and after the date of its ratification by a majority of those voting in an election called for the purpose by the Secretary of the Interior, provided that at least 30 per cent of those entitled to vote shall vote in such election, such ratification to be formally certified by the Election Board.

The persons entitled to vote are all the adult Eskimos who are residing on King Island, Territory of Alaska, and whose names appear on a roll of such Eskimos compiled under the Instructions of the Secretary of the Interior.

This Constitution and By-laws are herewith approved by the Assistant Secretary of the Interior and submitted for ratification by the group of Eskimos having a common bond of residence on King Island, Territory of Alaska, in a popular referendum called and held under the Instructions of the Secretary of the Interior.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

WASHINGTON, D. C., *September 17, 1938.*

CERTIFICATION OF ADOPTION

Pursuant to an order, approved September 17, 1938, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the group of Eskimos having a common bond of residence on King Island, Territory of Alaska, and was on January 31, 1939, duly ratified by a vote of 51 for and 3 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

The Election Board:

PETER MAYAC,
FRANK ILLANNA,
OALABANNA.